

AMENDED IN SENATE APRIL 22, 2010

**SENATE BILL**

**No. 1245**

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**Introduced by Senator Simitian**

February 19, 2010

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An act to add Section 149.10 to the Streets and Highways Code, *and to amend Section 21655.5 of the Vehicle Code*, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1245, as amended, Simitian. High-occupancy vehicle lanes.

Existing law provides for the Department of Transportation and local authorities, with respect to highways under their respective jurisdictions, to authorize or permit exclusive or preferential use of highway lanes for high-occupancy vehicles (HOVs). Existing law authorizes the development and implementation of high-occupancy toll (HOT) lanes under limited circumstances, pursuant to which vehicles that do not meet the vehicle occupancy requirements for use of an HOV lane may use the lane upon payment of a toll.

This bill would ~~require an HOV lane, including, but not limited to, a HOT lane, on a highway or bridge that was free of tolls to HOVs as of January 1, 2010, to remain free of tolls with respect to HOVs provide that a vehicle that meets the applicable occupancy level for a high-occupancy vehicle for use of an HOV lane, including a HOT lane, shall not be charged a toll. The bill would also provide that an increase in the vehicle occupancy level for an HOV lane may only be implemented if the department determines that the change will maximize person throughput with respect to the affected highway. The bill would require the department to obtain the approval of the applicable transportation planning agency and report to the Legislature before implementing the change.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 149.10 is added to the Streets and  
2 Highways Code, to read:  
3 ~~149.10. A high-occupancy vehicle lane, including, but not~~  
4 ~~limited to, a high-occupancy toll lane, on a highway or bridge that~~  
5 ~~was free of tolls to high-occupancy vehicles as of January 1, 2010,~~  
6 ~~shall remain free of tolls with respect to those vehicles.~~  
7 *149.10. A vehicle that meets the applicable occupancy level*  
8 *for a high-occupancy vehicle for use of a high-occupancy vehicle*  
9 *lane, including a high-occupancy toll lane, shall not be charged*  
10 *a toll to use that lane. This section shall not apply to toll bridges.*  
11 SEC. 2. Section 21655.5 of the Vehicle Code is amended to  
12 read:  
13 21655.5. (a) The Department of Transportation and local  
14 authorities, with respect to highways under their respective  
15 jurisdictions, may authorize or permit exclusive or preferential use  
16 of highway lanes for high-occupancy vehicles. Prior to establishing  
17 the lanes, competent engineering estimates shall be made of the  
18 effect of the lanes on safety, congestion, and highway capacity.  
19 (b) The Department of Transportation and local authorities, with  
20 respect to highways under their respective jurisdictions, shall place  
21 and maintain, or cause to be placed and maintained, signs and other  
22 official traffic control devices to designate the exclusive or  
23 preferential lanes, to advise motorists of the applicable vehicle  
24 occupancy levels, and, except where ramp metering and bypass  
25 lanes are regulated with the activation of traffic signals, to advise  
26 motorists of the hours of high-occupancy vehicle usage. No person  
27 shall drive a vehicle upon those lanes except in conformity with  
28 the instructions imparted by the official traffic control devices. A  
29 motorcycle, a mass transit vehicle, or a paratransit vehicle that is  
30 clearly and identifiably marked on all sides of the vehicle with the  
31 name of the paratransit provider may be operated upon those  
32 exclusive or preferential use lanes unless specifically prohibited  
33 by a traffic control device.  
34 (c) *An increase in the vehicle occupancy level to be applicable*  
35 *to an existing exclusive or preferential lane under the jurisdiction*

1 *of the department shall only be implemented if the department*  
2 *determines that the change will maximize person throughput with*  
3 *respect to the affected highway. The proposed change shall be*  
4 *subject to approval pursuant to the process set forth in subdivision*  
5 *(a) of Section 21655.6. The department shall report to the relevant*  
6 *policy and fiscal committees of the Legislature the basis for making*  
7 *the change at least 30 days prior to the effective date of the change.*

8 ~~(e)~~

9 (d) When responding to an existing emergency or breakdown  
10 in which a mass transit vehicle is blocking an exclusive or  
11 preferential use lane, a clearly marked mass transit vehicle, mass  
12 transit supervisor's vehicle, or mass transit maintenance vehicle  
13 that is responding to the emergency or breakdown may be operated  
14 in the segment of the exclusive or preferential use lane being  
15 blocked by the mass transit vehicle, regardless of the number of  
16 persons in the vehicle responding to the emergency or breakdown,  
17 if both vehicles are owned or operated by the same agency, and  
18 that agency provides public mass transit services.

19 ~~(d)~~

20 (e) For purposes of this section, a "paratransit vehicle" is defined  
21 in Section 462.

22 ~~(e)~~

23 (f) For purposes of this section, a "mass transit vehicle" means  
24 a transit bus regularly used to transport paying passengers in mass  
25 transit service.

26 ~~(f)~~

27 (g) It is the intent of the Legislature, in amending this section,  
28 to stimulate and encourage the development of ways and means  
29 of relieving traffic congestion on California highways and, at the  
30 same time, to encourage individual citizens to pool their vehicular  
31 resources and thereby conserve fuel and lessen emission of air  
32 pollutants.

33 ~~(g)~~

34 (h) The provisions of this section regarding mass transit vehicles  
35 and paratransit vehicles shall only apply if the Director of  
36 Transportation determines that the application will not subject the  
37 state to a reduction in the amount of federal aid for highways.